

Appl. No. 09/735,186  
Reply to Office communication of June 7, 2004

### **REMARKS**

This Amendment is submitted in response to the Action mailed June 7, 2004, wherein the Examiner stated that the response of 29 December 2003 was non-responsive and requested support for all amended and new claims in this matter.

In response, support for the all claims relative to the original patent, including the present amendment, are presented in the attached STATEMENT OF STATUS/SUPPORT FOR CHANGES TO CLAIMS UNDER 37 C.F.R. §1.173(c).

In addition, Applicant has herein canceled Claims 19-21 and amended Claim 11. **Claims 1-18, 22-42 and 44-46 are pending, and Claim 43 was previously cancelled.**

Applicant also respectfully reminds the Examiner that the original Letters Patent for U.S. Patent No. 5,867,935 was mistakenly sent to the Examiner, and that a petition was filed requesting the return of that patent (see PETITION FOR RETURN OF INADVERTENTLY SUBMITTED ORIGINAL PATENT, submitted on December 23, 2003). Applicant respectfully requests the return to Applicant of Letters Patent No. 5,867,935.

### **Amendment of Claim 11**

The current amendment is being presented to place Claim 11 in condition for allowance. Firstly, the amendment to Claim 11 merely corrects a typographical error of the claim of the parent patent. As such, there has been no improperly recaptured subject matter previously surrendered in the parent case.

Secondly, Claim 11, as amended, removes the limitation of "substantially comprising" added in the Amendment of 1/31/02. That limitation had been added to the broader, once amended claim in response to a rejection, and is not required to put the now narrower Claim 11 in an allowable form. Specifically, Claim 11 now recites a method for defoliating grape vines comprising generating a flow of superheated steam and delivering the flow to basal leaves adjacent to developing grape berries. None of the references, either alone or in combination, teaches or suggests directing superheated steam to that particular portion of a grape vine. In addition, there is no motivation within any of the cited references or the knowledge of one skilled in the art to modify or combine the references to obtain the invention of Claim 11.

In view of the remarks made above, Applicant respectfully submits that Claim 11 is neither anticipated by, nor obvious in light of, the prior art, and is in condition for allowance. In

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addition, Applicant respectfully submits that the remainder of the pending claims are in condition for allowance. Applicant requests that action to these ends is respectfully solicited.

If the Examiner should feel that a telephone interview would be productive in resolving issues in the case, he is invited to telephone the undersigned at the number listed below.

July 29, 2004

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Respectfully submitted,



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